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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 v.

15 **JORGE ABRAHAM LOMELI-LOPEZ,**

16 Defendant.

17 Case No.: 2:20-mj-00358-EJy

18 **STIPULATION TO CONTINUE
INITIAL APPEARANCE**

19 (first Request)

20 IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A.
21 Trutanich, United States Attorney, and Kimberly Frayn, Assistant United States Attorney,
22 counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Jorge
23 Abraham Lomeli-Lopez, that the Initial Appearance currently scheduled for November 5,
24 2020 at 11:00 a.m. be vacated and set to a date and time convenient to this Court, but no
sooner than ninety (30) days.

25 The Stipulation is entered into for the following reasons:

26 1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.

3. The requested time is not for purposes of delay. The parties are engaged in negotiations that may alleviate the need for Trial.

4. Should negotiations not be reached, parties need additional time for discovery review and trial preparation.

5. Additionally, denial of the continuance could result in a miscarriage of justice. The additional time is excludable in computing the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors outlined in §3161(h)(7)(B)(i), (iv).

This is the first stipulation to continue the Initial Appearance.

DATED: November 4, 2020

Submitted By: LEVENTHAL & ASSOCIATES, PLLC

By /s/ Todd M Leventhal
TODD M. LEVENTHAL
Counsel for Defendant

By /s/ Rachel Kent

RACHEL KENT
Assistant United States Attorney

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9 **UNITED STATES DISTRICT COURT**

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12 UNITED STATES OF AMERICA,

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15 JORGR ABRAHAM LOMELI-LOPEZ,

16 Defendant.

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18 **FINDINGS OF FACT,
19 CONCLUSIONS OF LAW AND
20 ORDER**

21 **FINDINGS OF FACT**

22 Based on the pending stipulation of counsel, and good cause appearing therefore, the

23 Court finds that:

24 1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.
3. The requested time is not for purposes of delay. The parties are engaged in
negotiations that may alleviate the need for Trial.
4. Should negotiations not be reached, parties need additional time for discovery
review and trial preparation.
5. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
3 outlined in §3161(h)(7)(B)(i), (iv).

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting the requested continuance outweigh the best
6 interest of the public and the defendant in a speedy trial because the failure to grant it would
7 likely result in a miscarriage of justice. This continuance is excludable under the Speedy
8 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),
9 (iv).

10 **ORDER**

11 IT IS FURTHER ORDERED that the Initial Appearance currently scheduled for
12 November 5, 2020 at the hour of 11:00 a.m., is vacated and continued to December 9, 2020
13 at the hour of 9:00 a.m., in Courtroom 3D.

14
15 DATED this 5th day of November 2020.

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18 BY: Elayna J. Youchah
19 HONORABLE ELAYNA J YOUCRAH
20 United States Magistrate Judge
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